

Van Houten, Greg

From: Van Houten, Greg
Sent: Thursday, June 2, 2022 2:45 PM
To: Zelig, Jonathan S.
Cc: Nawrocki, Joseph T.; Martin, Ernest
Subject: RE: Match Group v. Beazley | Jurisdiction

Thanks, Jonathan. This is very helpful. We will get back to you soon on this.

HAYNES BOONE

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From: Zelig, Jonathan S. <jzelig@daypitney.com>
Sent: Thursday, June 2, 2022 9:42 AM
To: Van Houten, Greg <Greg.VanHouten@haynesboone.com>
Cc: Nawrocki, Joseph T. <jnawrocki@daypitney.com>; Martin, Ernest <Ernest.Martin@haynesboone.com>
Subject: Match Group v. Beazley | Jurisdiction

EXTERNAL: Sent from outside Haynes and Boone, LLP

Greg,

As discussed yesterday, Beazley is amenable to litigating this matter in federal court, but would prefer to do so in an efficient manner that avoids any jurisdictional impediments or disputes. The best path forward is for Match Group to file suit against the UK corporation Beazley Underwriting Limited, rather than non-corporation entities Certain Underwriters at Lloyd's, London or Lloyd's Syndicates 2623/623. Filing suit against these latter defendants in federal court could invite an inquiry into the citizenship of all the members of the Syndicates, because Lloyd's syndicates may have the citizenship of their members for diversity purposes. *See Carden v. Arkoma Assocs.*, 494 U.S. 185 (1990). By contrast, I understand that Beazley Underwriting Limited is a corporation organized under the laws of the UK and is therefore a UK citizen for purposes of diversity jurisdiction.

Beazley Underwriting Limited is also a proper defendant. It was the sole Underwriter for Syndicate 2623 for the relevant year of account in this dispute, which subscribed to 82% of the Policy. Moreover, under the Policy's Service of Suit clause, each Underwriter (including Beazley Underwriting Limited) agreed "that in any suit instituted against any one of the Underwriters upon this Policy, the Underwriters will abide by the final decision of such court or of any appellate court in the event of an appeal." (Policy, Section XIII.A.) Thus, any judgment that enters in federal district court (or via any subsequent appeal) concerning Beazley Underwriting Limited would be binding upon all Underwriters in Syndicate 623 as well. Please accept this email as a reaffirmation of the commitment that all Underwriters in Syndicates 2623 and 623 will abide by any judgment in a lawsuit filed by Match Group against Beazley Underwriting Limited.

Per your request, I have attached examples of policyholder plaintiffs suing Beazley Underwriting Limited in lieu of the Lloyd's Syndicates in federal court.




Please feel free to reach out with any questions.

Jonathan

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